

## **Faulk, Camilla**

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**From:** Mark Prothero [mprothero@hiplawfirm.com]  
**Sent:** Thursday, April 21, 2011 11:21 AM  
**To:** Faulk, Camilla  
**Subject:** Comments re: proposed Criminal Rule 4.11

Dear Members of the Supreme Court:

I join many others from the criminal justice system in urging the adoption of proposed Criminal Rule 4.11, allowing criminal defense attorneys to tape record interviews with witnesses or to have them memorialized through the use of a court reporter.

There are many benefits and no risks associated with the proposed rule. Having recorded interviews will ensure the most complete and accurate record of exactly what was said in an interview. This protects everyone's rights and is the fairest process for all parties involved, including the ultimate finder of fact, whether it be a jury or judge.

From a practical standpoint, in King County, prosecutors will typically agree to the recording of witness interviews and encourage witnesses to agree. I haven't experienced any problems or negative repercussions. The tape recording of witness interviews has been helpful in speeding up the process, eliminating the need, and costs, for an investigator taking handwritten notes or entering notes on a laptop. Things also seem to go more smoothly, and more professionally, when the parties agree to having an interview recorded. This practice should become the rule for such interviews.

The proposed rule will increase fairness and efficiency while eliminating disputes about what was actually said in an interview. Again, I respectfully urge the Court to adopt proposed Criminal Rule 4.11.

Thank you for your consideration of my comments.

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